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EFFECTIVE

JUNE 14, 1989

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

ORIGINAL

June 22, 1989

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF:	:	Administrative Action
	:	
STANLEY GUTMAN, D.C.	:	
	:	ORDER OF TEMPORARY SUSPENSION
TO PRACTICE CHIROPRACTIC IN THE	:	OF LICENSE
STATE OF NEW JERSEY	:	
	:	

This matter was opened to the State Board of Medical Examiners on June 14, 1989 on application of Peter N. Perretti, Jr., Attorney General of New Jersey, Linda Ershow-Levenberg, Deputy Attorney General appearing, for an Order of Temporary Suspension of the license to practice chiropractic in the State of New Jersey of Stanley Gutman, D.C., pending plenary hearing. The complaint of the State, verified by affidavits, contain the following allegations among others: that in or about February of 1989 respondent issued advertising brochures under the name of Spring Valley Chiropractic and Wholistic Health Care Center which offered to provide confidential consultation regarding conditions including: cancer, multiple sclerosis, skin diseases, heart disease, respiratory diseases, ulcers, kidney diseases and others and which advertising claimed cures through "total therapy." Literature distributed by respondent in April, 1989, was alleged to offer answers on matters of health on the telephone, and provide education and information regarding natural therapy alternatives to drugs and surgery with claims of effecting cures or dramatic improvement in advanced cancer, ulcers and other major health problems.

Count I further alleged that on April 27, 1989 respondent commenced examination and treatment of "Linda DiPaolo" for ovarian cancer, and that in addition to offering to provide information on "natural therapies" for her disease, he described a treatment of dietary changes, spinal manipulation and inpatient treatment at an unidentified "natural therapy" clinic, endeavored to dissuade the patient from pursuing "orthodox" medical treatment, asserted that he had treated many cancer patients with "natural therapy," and stated that he needed to perform an internal examination "to feel the ovarian cancer," but the patient refused. The above described conduct was alleged in the complaint to exceed the scope of chiropractic permitted in the State of New Jersey in violation of N.J.S.A.45:9-14.5 and N.J.A.C.13:35-7.1(a) and to constitute a failure of respondent to refer a patient to a plenary licensed physician in violation of N.J.A.C.13:35-7.1(d) and to constitute professional misconduct, gross negligence, gross malpractice or gross incompetence or the use of deception, misrepresentation or false promise; all in violation of N.J.S.A. 45:1-21. Count II of the complaint alleged that respondent received "Mary English" as a new patient at his office for a consultation concerning peptic ulcer disease causing bleeding and pain on May 4, 1989, attempted to dissuade her from pursuing what he termed "orthodox medical approaches" and outlined a "nutritional and psychological" approach to therapy to cure the patient's ulcers. Count II further alleged that on May 11, 1989 respondent described a treatment program to cure the ulcers entailing "manipulating the nerves in her spinal column" and a diet of warm vegetable soup, warm skimmed milk and baked or broiled banana to cure a bleeding ulcer. Count II finally alleges that on May 15, 1989

in response to a report by Mary English that she had vomited blood the previous morning, respondent failed to refer her to a plenary licensed physician, but rather gave her instructions about diet and performed a chiropractic treatment. The conduct in Count II was alleged to violate the same statutory sections above cited. Count III of the complaint alleged that on May 2, 1989 respondent received " Sue Taylor" as a new patient at his office performing a full physical examination including a breast examination of the patient, as well as an external examination of the pelvic area below the patient's underwear, and that he advertised and offered himself as a "family doctor." The conduct set forth in Count III was alleged to constitute conduct which exceeds the scope of chiropractic in violation of N.J.S.A. 45:9-14.5 and N.J.A.C. 13:35-7.1 and to constitute professional misconduct pursuant to N.J.S.A. 45:1-21e and h.

In response to the complaint respondent sent in a letter which indicated that he wished to plead not guilty to and to dispute much of the information contained in the complaint and specified several paragraphs which he alleged contained false information or incorrect conclusions. Dr. Gutman also submitted a letter dated June 12, 1989 in which he indicated that he would be absent from the hearing regarding temporary suspension on June 14 but wished the letter to be considered his response to the Order to Show Cause. Both the letter of June 12 and the answer of respondent were marked R1 at the time of the hearing regarding temporary suspension, entered into evidence and considered by the Board.

At the June 14, 1989 hearing, the State was represented by Linda Ershow-Levenberg, D.A.G. The Deputy Attorney General indicated the notice of the application for temporary suspension given to respondent pursuant to N.J.S.A. 45:1-22e, and as previously indicated, Dr. Gutman acknowledged awareness of the hearing and indicated that he would not be present. The Board therefore heard argument by Ms. Ershow-Levenberg concerning the pleadings presented, heard the testimony of an investigator who had visited Dr. Gutman's office and interviewed him, and considered documents entered into evidence including:

- S-1 Advertising flyer for Spring Valley Chiropractic and Wholistic Health Care Center.
- S-2 Affidavit (with attachments) of Linda Beveridge, Special Investigator of the Enforcement Bureau ("Linda DiPaolo" in the complaint).
- S-3 Affidavit of Mary Peterson, Special Investigator, Enforcement Bureau, including attachments, ("Mary English" of the complaint).
- S-4 Affidavit of Susan Thomas (and attachments) Special Investigator of the Enforcement Bureau ("Sue Taylor" of the complaint).
- S-5 Document headed "Spring Valley Chiropractic and Wholistic Health Care Center," "confidential patient information" for Mary English dated 5/11/89 (with attachments).
- S-6 File card for Mary English.
- S-7 File card for Linda DiPaolo.
- S-8 File card for Susan Tayler (sic)
- S-9 Handwritten notes indicating information regarding "Mary English and Linda DiPaolo."
- S-10 Envelope with the return address of "New Jersey Gas Incorporated Group Against Smoking Pollution" with handwritten note regarding "Linda DiPaolo."
- S-11 File card regarding James Butler.
- S-12 Sheet headed "Spring Valley Chiropractic Office a natural family doctor for your family."

S-13 Envelope with return address of "Cancer Control Society" of Los Angeles California with enclosed brochures.

S-14 1988-89 calendar including listing of dates with the names of "Mary English, Susan Tayler, and Linda DiPaolo."

Sworn as a witness at the hearing regarding temporary suspension was Susan Evans, a Special Investigator for the Enforcement Bureau. She detailed a meeting with Stanley Gutman on June 6, 1989 at which time she served the Order to Show Cause and Verified Complaint and attachments. She further testified that Dr. Gutman claimed that he has no patients and therefore that he has no patient records, however she found index cards on each of the patients as indicated above in a desk drawer. Dr. Gutman indicated that these were not patients, that they just came in for consults. He also indicated that he had no appointment book however the calendar entered into evidence as S-15, was located by Investigator Evans at Dr. Gutman's office, containing the name and time of appointment of each of the patients indicated in the complaint. Investigator Evans identified each of the documents above (excluding the affidavits of other investigators) and testified that it appeared to her from the facilities and observations she made on his premises that Dr. Gutman conducts a chiropractic practice on the premises located at 102 Spring Valley Road, Paramus, New Jersey.

The Board considered the affidavits of three undercover investigators indicating that in April and May of 1989, Dr. Gutman solicited patients for treatment of cancer, and bleeding peptic ulcer and held himself out as a natural family doctor and health advisor. As to patient "Linda DiPaolo" who contacted Dr. Gutman

asking for a second opinion for ovarian cancer which had been diagnosed two weeks before, both the investigators affidavit and the patient record (S-7 in evidence) plainly show that the patient was accepted for treatment of cancer, that Dr. Gutman did not refer her to a plenary licensed physician, but rather undertook her treatment, made deceptive and misleading statements regarding the true outcomes of orthodox medical treatment for cancer versus natural therapy, requested large fees to make hospital arrangements for "natural therapy for the patient and to be available for guidance and direction in the program upon the patient's return from "hospital," (significantly increasing the amount of his fee from \$1,700 to \$2,800 for full treatment, and from \$55.00 to \$75.00 for each office visit, claiming he had previously misquoted his fees).

As to patient "Mary English" the affidavit and patient record (S-3, S-5 and S-6) plainly show that this patient, who contacted Dr. Gutman requesting a second opinion regarding a bleeding peptic ulcer (she reported her medical doctor recommended surgery and taking medications including tagamet and mylanta), was accepted for treatment, and rather than referring this patient to a plenary licensed physician, Dr. Gutman prescribed a diet and chiropractic care in order to cure the ulcer. Despite the fact that the patient returned complaining of vomiting blood, Dr. Gutman still did not refer the patient to a plenary licensed physician, but rather recommended fasting, massaged the patient's back with a machine for five minutes, and recommended against taking medications which traditionally are utilized to treat an ulcer.

As to patient "Sue Taylor" the affidavit and patient record (S-8 and S-4) clearly demonstrate that this patient contacted

Dr. Gutman seeking a "family physician" for herself and her family, and that Dr. Gutman, after explaining that he was a "naturalist" and therefore did not prescribe drugs or surgery, performed a full body physical examination including a breast examination and an external examination of the pelvic region underneath the patient's underwear, used a stethoscope on the patient's chest and back and telling her to take deep breaths, and then pronounced "your heart is in fine shape, you have very good blood pressure, and your pulse is excellent," despite the fact that the patient has a demonstrated history of mytral valve prolapse, a condition readily detected by stethoscope in prior examinations. Dr. Gutman also made an appointment to see Ms. Tayler's husband, who she reported had "some blood in his urine or rectum."

The Board also considered Dr. Gutman's claims, contained in his letter of June 12, 1989, that he is "...very regretful of the actions and activities that I have recently taken." That "aside from the practice of chiropractic, I had tried to conduct a non-chiropractic, non-treatment, natural therapy information and educational service ...for a fee... ." He claims in his letter that he endeavored "to supply education and information on world wide natural therapies to non-patients," that his "only service to these patients would be education and information," chiropractic was not to be involved in the service, but kept completely separate. He admits, that "what turned out, however was a conflict of interest, totally unexpected. My actions were not all proper, very unwise, and completely inadvertent. I feel great remorse. My feelings are heartfelt. I am truly very regretful."

The Board finds that the affidavits and Dr. Gutman's own patient records, belie his claim that he was providing only an information and educational service. His chiropractic examination and treatment is clearly reflected in his records, he offered himself as a "natural family doctor and health advisor," he asked the patients to pay for services and issued receipts as a chiropractic physician, he even asked a fee of \$2,800 to "coordinate natural cancer therapy." He disclaims involvement in cancer treatment, yet the affidavits reveal that he told patient Linda DiPaolo that he had treated many cancer patients.

The information before the Board clearly demonstrates that Dr. Gutman practices plainly outside of the scope of chiropractic and violates his obligation to refer patients when, from the outset, the patient has a condition which is not amenable to chiropractic care, such as a bleeding ulcer, cancer treatment, or care as a "family physician."

The Board finds that there is a clear and imminent danger to the welfare of the public demonstrated pursuant to N.J.S.A. 45:1-22 by respondent's practice far beyond the proper scope of chiropractic as defined in the State of New Jersey pursuant to N.J.S.A. 45:9-14.5 and N.J.A.C. 13:35-7.1(a) and by respondent's failure to refer patients with life threatening diseases to plenary licensed physicians and by his misrepresenting cure rates of natural therapy versus traditional medical care in the face of life threatening disease, because he is treating organic diseases including cancer, all exacerbated by his inappropriate advertising and solicitation of patients who have diseases beyond the scope of the proper practice of chiropractic. There has been demonstrated such a pattern of flagrant violation of the statutes and regulations



governing respondent's practice, that he can not be trusted to practice chiropractic in an appropriate fashion. We find that his judgment is so impaired that his continuing practice would be a clear and imminent danger to the public.

IT IS THEREFORE ON THIS 21<sup>ST</sup> DAY OF JUNE, 1989,  
ORDERED:

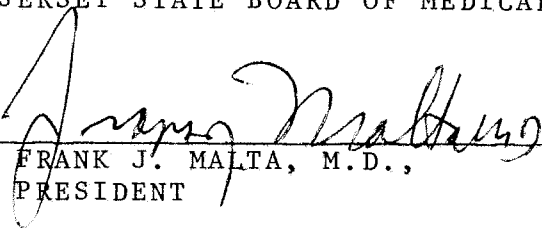
1. That the license to practice chiropractic heretofore issued to STANLEY GUTMAN, D.C. is temporarily suspended until such time that there is a plenary hearing regarding this matter.

2. That respondent, STANLEY GUTMAN, D.C. shall cease, desist and refrain from the practice of chiropractic in the State of New Jersey until further order of this Board,

3. That this order shall be effective as of the announcement of the temporary suspension on the record at the hearing before the full Board held on June 14, 1989.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: \_\_\_\_\_

  
FRANK J. MALTA, M.D.,  
PRESIDENT